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| 09/740,854 | 12/21/2000 | Robert J. Amott | 12812RGUS01U56130.000062 | 6534 |

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EXAMINER

RAMAKRISHNAIAH, MELUR

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2643

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DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,854

Applicant(s)

Robert J. Amott

Examiner

Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 11, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 9, 12-22, and 24-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 9, 12-18, 24-26, and 30 is/are rejected.
- 7) ☒ Claim(s) 19-22 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 13, 24, are rejected under 35 U.S.C 102(e) as being anticipated by Huang (US PAT: 6,148,072).

Regarding claim 1, Huang discloses a communication device comprising: a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A) for transmitting and receiving a voice component of a videoconferencing session , and a second interface (644, fig. 2A) to a data channel of the subscriber line (646, fig. 2A) for transmitting and receiving video component if the video conferencing session (col. 4 lines 31-42), wherein the communication device is configured

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to establish a connection to at least the data channel based at least in part a predetermined signal (col. 4 lines 36-38, col. 5 lines 16-31) received over the first channel (col. 4 lines 43-50).

Regarding claims 24, Huang further discloses a communication device and method comprising: providing a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A), for transmitting and receiving of a voice component videoconferencing session, providing a second interface (644, fig. 2A) to a data channel for transmitting and receiving a video component of the videoconferencing session, and establishing a connection to at least the data channel based on at least in part on a predetermined signal (col. 4 lines 36-38) received over the voice channel (col. 4 lines 31-65)

Regarding claims 2, 13, Huang further teaches the following: first channel is a public switched telephone network, predetermined signal of a tone burst comprising a sequence of data transmitted from a second communication device (col. 5 lines 16-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4-5, and 26, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer et al. (Pub. No: US2001/0022836A1, filed 2-27-1998, hereinafter Bremer).

Regarding claim 4-5, 26, 30, Huang does not teach the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem.

However, Bremer discloses apparatus and method for simultaneous multiple telephone type services on a single telephone line which teaches the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem (fig. 1, paragraphs: 0057, 0031).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: data channel comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem as this arrangement would facilitate to provide multiple type telephone services to the user as taught by Bremer (paragraph: 0008), thus enhancing the application capability of the user telephone system.

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5. Claims 6, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara (US PAT: 6,323,892 B1, filed 7-29-1999).

Huang differs from claims 6, 9, in that although he shows camera (626, fig. 2A) and display (636, fig. 2A), he does not explicitly show the following: CCD camera configured to capture the video component transmitted via second channel and LCD for displaying the video component received via data channel.

However, Mihara discloses display and camera device which teaches the following: CCD camera integrated with a communication device and LCD integrated with a communication device (figs. 5A/5B, col. 6 lines 32-45, col. 7 lines 5-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: CCD camera configured to capture the video component transmitted via second channel and LCD for displaying the video component received via data channel as this arrangement would provide for compact arrangement for video telephone as taught by Mihara.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara as applied to claim 9 above, and further in view of Haegebarth (JP 02000092463A).

Regarding claim 12, the combination does not teach the following: LCD is used to display advertisements transmitted via data channel, when voice channel is not transmitting or receiving voice.

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However, Haegebarth discloses method for increasing use of video conference which teaches the following: LCD is used to display advertisements transmitted via the second channel , when the first channel is not transmitting or receiving voice (page 7, second paragraph).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: LCD is used to display advertisements transmitted via data channel , when voice channel is not transmitting or receiving voice as this arrangement would facilitate reducing the communication costs to the user as trade off for watching the advertisements as taught by Haegebarth (page 6, last paragraph).

7. Claims 14-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer and Fan (US PAT: 6,519,250 B1, filed 4-16-1999).

Huang differs from claims 14-17, 25 in that although he discloses sending a voice band packet to the destination telephone number, the voice bad packet including the address of the second line of the initiating telephone and destination telephone decoding the packet to find out the address on the initiating telephone (col. 5 lines 16-31), he does not explicitly show using fields in the sent packet such as repeating sequence of characters in the second field allowing communication device to synchronize to the tone burst, third field containing header information to identify the second communication device as being similarly configured communication device, the first field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly.

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However, Bremer teaches sending data packet (fig. 6) with the following fields: first field fields in the sent packet such as repeating sequence of characters (reads on flag 102, fig. 6) allowing communication device to synchronize to the tone burst, a second field containing header information and third field containing user information and fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly (fig. 6, paragraph: 0056) and Fan discloses quick connect internet telephone and method therefor which teaches sending an IP address and identifying the type of communication device (col. 4 lines 57-67, col. 5 lines 1-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: fields in the sent packet such as repeating sequence of characters allowing communication device to synchronize to the tone burst, second field containing header information to identify the second communication device as being similarly configured communication device, the third field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly as this arrangement would facilitate data transmission using internet using packets with suitable fields to send data and protect data from transmission errors after suitably identifying the transmission and receiving devices as taught by Bremer and Fan, one advantage of this arrangement is that internet is a dominant presence providing cheaper transport means for data between the users as is well known in the art.

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Regarding claim 18, Huang teaches the following: analog modem (630, fig. 2A) to receive the tone burst data (col. 5 lines 16-24).

8. Claims 19-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 27-29, are allowed.

Response to Arguments

10. Applicant's arguments filed on 8-11-2003 have been fully considered but they are not persuasive.

I Applicant argues that Hung does not disclose, teach or suggest the feature of transmitting and receiving the video and voice components via separate channels of a single subscriber line. Contrary to Applicant's interpretation of Hung reference, Hung discloses using one channel for voice communication and when users decide to set up a video call, another channel is set up video communication (col. 2 lines 8-25). Also Hung suggests use of two telephone channels to maintain audio and video communications between the users (col. 4 lines 45-51, 61-65). This clearly reads on applicant's claim 1. Since Hung teaches use of two channels of a subscriber line for receiving audio and video components as explained above, rejection of independent claims 1 and 24 is maintained.

II Rejection of claims 4-5 under 35 U.S.C 103(a) over Hung in view of Bremer et al. (Pub. No: US2001/0022836A1, filed 2-27-1998, hereinafter Bremer): Regarding rejection of Claims 4-

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5, Applicant argues that there is no motivation or suggestion to combine teachings of the references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hung discloses use of multiple telephone channels for audio and video communications (col. 4 lines 60-65), and Bremer teaches use of ADSL, SDSL, HDSL, etc for communications (paragraph: 0057). So one of ordinary skill in the art at the time invention was made would be motivated to apply teachings of Bremer in Hung to provide multiple type of telephone services such as audio and video to the user. In view of this, *prima facie* case of obviousness has been established and rejection of claims 4-5 is maintained.

III. Rejection of claims 6 and 9 under 35 U.S.C 103(a) over Hung in view of Mihara (US PAT: 6,323,892 B1, filed 7-29-1999):

Regarding rejection of claims 6 and 9, Applicant argues that claim 9 recites a liquid crystal display for displaying video component received via data channel and amended claim 1 on which claims 6 and 9 depend, has been amended to more clearly recite the features of transmitting and receiving a voice component of a videoconferencing session via voice channel of a subscriber line and receiving a video component via data channel of the subscriber line. Regarding this, contrary

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to applicant's interpretation Hung's reference, as shown above in response to Applicant's arguments to claim 1, Hung does teach setting up two channels for audio and video communications as shown above which reads on applicant's claim limitations, and further Hung teaches display (536, fig. 2A, col. 4 lines 46-50) to display video received through one of the channels. Mihara teaches use of CCD camera and LCD display (figs. 5A/5B, col. 6 lines 32-45, col. 7 lines 5-12). The Hung in combination with Mihara teaches claim limitations of claim 6 and 9 and rejection of claims 6 and 9 is maintained.

IV. Rejection of claim 12 under 35 U.S.C 103(a) over Hung in view of Mihara as applied to claim 9 above, and further in view of Haegebarth (JP 02000092463A): Regarding rejection of Claim 12, Applicant makes arguments on independent claim 1 similar to arguments made with respect to rejection of claims 6 and 9 and Remarks made therein in response to arguments to rejection of 6 and 9 hold good. Since Mihara in combination with Mihara and Haegebarth teach limitations claim 12, rejection of claim 12 is maintained.

V. Rejection of claims 14-18 under 35 U.S.C 103(a) over Hung in view of Bremer and Fan (US PAT: 6,519,250 B1, filed 4-16-1999): Regarding rejection of claims 14-18, Applicant's arguments are tied to independent claim 1 limitations being not taught by Hung. As shown in connection with response to arguments of independent claim 1, Hung does teach the limitations of independent claim 1. Therefore, rejection of claims 14-18 is maintained as set forth in the office action.

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11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

13. **Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PRIMARY EXAMINER

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